

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of)
)
Amendment of Part 90) RM-8584
of the Commission's Rules)
To Conform the Rules)
Pertaining to Loading)
Standards, Reporting)
Requirements and)
Construction of 800/900)
Private Mobile Radio)
Service Systems)

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To: The Commission

STATEMENT OF E.F. JOHNSON COMPANY

E.F. Johnson Company ("E.F. Johnson"), by its attorneys, pursuant to Section 1.405 of the Rules and Regulations of the Federal Communications Commission ("FCC or "Commission") hereby submits its Statement in Support of the above-referenced Petition for Rule Making filed by The Alliance of Private 800/900 MHz Licensees ("APEL"). APEL asks the Commission to modify the mobile loading, reporting and construction requirements applicable to Private Land Mobile Radio Service systems.

I. INTRODUCTION

E.F. Johnson is a leading designer and manufacturer of radio communications and specialty communications products for commercial and public safety use. Founded over seventy years ago as an electronic components manufacturer, E.F. Johnson entered the radio communications equipment market in the late 1940's and is one of the three largest providers of

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land mobile radio systems in the United States. It produces base stations, vehicular mounted and portable transmitters that operate in various portions of the radio spectrum that are used by a variety of entities requiring communications capabilities. The Company manufactures products for use in both the 800 MHz and 900 MHz services. Thus, any new rules adopted as a result of APEL's Petition may affect the Company's ability to sell its products. Moreover, the Company supports a remake of over 600 dealers, who sell communications equipment to APEL members. Accordingly, E.F. Johnson is pleased to have this opportunity to submit the following Statement in Support of the Petition for Rule Making.

II. DISCUSSION

A. Mobile Loading Requirement

E.F. Johnson strongly supports APEL's suggestion that the Commission cease applying loading standards to non-SMR systems licensed before June 1, 1993. As stated in APEL's Petition, the Commission has already eliminated the loading requirements for all 800 MHz systems licensed on or after June 1, 1993¹ and for SMR systems licensed before June 1, 1993², leaving only industrial, business, public safety and land transportation systems licensed before June 1, 1993 subject to loading requirements. Thus, E.F. Johnson joins APEL in urging the Commission to make consistent the rules governing private land mobile radio services by eliminating loading requirements for all such systems licensed in the 800/900 MHz bands.

B. Mobile Loading Reporting Requirement

¹ Amendment of Part 90, Subparts M and S, of the Commission's Rules, Report and Order, PR Docket No. 86-404, 3 FCC Rcd 1838 (1988).

² Implementation of Sections 3(n) and 332 of the Communications Act, Third Report and Order, GN Docket No. 93-252 (1994).

E.F. Johnson agrees with APEL's assertion that the FCC rule requiring each licensee of a trunked non-SMR system licensed at 800/900 MHz to file an annual mobile loading report should be eliminated. In light of the on-going elimination of loading requirements, the annual reporting requirement no longer serves any purpose. E.F. Johnson agrees with APEL that should the Commission ever require loading information from a licensee, the Commission could request that the licensee provide the number of mobile units served on its system.

C. Conventional Station Construction Period

E.F. Johnson strongly supports APEL's suggestion to conform the construction periods for both trunked and conventional systems to one year. Not only will this change streamline the Commission's rules and make them more consistent, but, as APEL points out, it will reduce the number of extension requests filed with the Commission, thereby reducing the burden on both the Commission and the licensees. Moreover, this proposed change does not present any threat to the speedy construction of conventional systems as swift construction is in the licensee's best interest.

III. CONCLUSIONS

The rule changes proposed by APEL support the Commission's recent efforts to streamline FCC rules and to improve the consistency of the rules that govern private land mobile radio services. Reducing the public confusion created by the existing inconsistencies in the rules is in the public interest and promotes the efficiency of private land mobile radio services operations.

WHEREFORE, THE PREMISES CONSIDERED, E.F. Johnson Company hereby
submits the foregoing Statement in Support of the Petition for Rule Making and urges the
Commission to proceed in a manner consistent with the views expressed herein.

Respectfully submitted,

E.F. JOHNSON COMPANY

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Dated: February 23, 1995

CERTIFICATE OF SERVICE

I, Judith K. Harris, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 23rd day of February, 1995, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing Statement of E.F. Johnson Company to the following:

Alliance of Private 800/900 MHz Licensees
c/o Mark E. Crosby
Frederick J. Day, Esquire
1110 N. Glebe Road
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Arlington, Virginia 22201


Judith K. Harris